

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7292**

**BILL NUMBER:** HB 1351

**NOTE PREPARED:** Jan 7, 2004

**BILL AMENDED:**

**SUBJECT:** Taping of Conversations by the Media.

**FIRST AUTHOR:** Rep. Aguilera

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill prohibits a representative of news media from recording a telephonic or telegraphic communication without the knowledge of the other party to the communication, and it makes the offense a Class A misdemeanor, and a Class D felony for a second offense.

The bill also requires the writer of a story in print media to credit in writing the field reporter who collects information from a source if the source is named in the writer's story. The bill establishes a Class B infraction for violation of this provision.

**Effective Date:** July 1, 2004.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** *Crediting a Field Reporter:* There are no data available to indicate how many authors may receive information from a source through a field agent and not credit the field agent in the story or communication, or with a byline, resulting in a Class B infraction. If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class B infraction is \$1,000, which is deposited in the state General Fund.

If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

*Intercepting Communications:* Under current law, unlawful interception and unlawful use or disclosure of

an interception are Class C felonies. Under the bill, these felonies would not apply to a representative of the news media. A representative of the media would commit failure to disclose telephonic recording, a Class A misdemeanor or a Class D felony for a second or subsequent offense, if the person knowingly or intentionally intercepts a communication to which the representative is a party without the knowledge of the other party.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** *Intercepting Communications:* A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** *Crediting a Field Reporter and Intercepting Communications:* If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources:

- (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record for an infraction or the \$120 court fee that is assessed in a court of record for a misdemeanor. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.
- (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund.
- (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Karen Firestone, 317-234-2106.